

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UMG RECORDINGS, INC., CAPITOL
RECORDS, LLC, CONCORD BICYCLE
ASSETS, LLC, CMGI RECORDED MUSIC
ASSETS LLC, SONY MUSIC
ENTERTAINMENT, and ARISTA MUSIC,

Plaintiffs,

v.

INTERNET ARCHIVE, BREWSTER
KAHLE, KAHLE/AUSTIN FOUNDATION,
GEORGE BLOOD, and GEORGE BLOOD
L.P.,

Defendants.

Case No. 1:23-cv-07133-LGS

DECLARATION OF BREWSTER KAHLE

I, Brewster Kahle, declare and state as follows:

1. I am the founder and digital librarian at the Internet Archive. I live in San Francisco, California; the Internet Archive's headquarters are also in San Francisco, California. I have held this position since 1996.

2. Given my position, I am familiar both with the Internet Archive's general operations, and with the "Great 78 Project" in particular.

3. The Internet Archive does not maintain any servers in the state of New York. Most of the Internet Archive's servers, including those that serve the Archive's website and the website of the Great 78 Project, are in the San Francisco Bay Area in California.

4. The Internet Archive has an arrangement with George Blood L.P. to provide digitization services for the Great 78 Project. That arrangement was made by myself, on behalf of

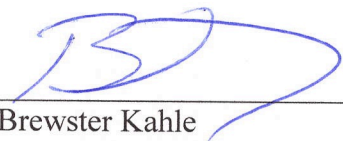
the Internet Archive, and George Blood, on behalf of George Blood L.P., from the Internet Archive's headquarters in San Francisco.

5. The Great 78 Project's digitization process involves shipping physical copies of records to George Blood L.P. in Pennsylvania. George Blood L.P. then transfers those records into a digital format. George Blood L.P. sends those digital files to the Internet Archive, which then uploads those files to the Great 78 Project's website, where they are available for the public to stream. The physical records themselves are ultimately stored for long-term preservation in facilities in Latrobe, Pennsylvania, or Richmond, California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of November 2023.

By:


Brewster Kahle